

OFFICE OF CONSERVATION

STATE OF LOUISIANA

IN RE: GROUND WATER
RESOURCES COMMISSION MEETING

REPORT OF MEETING

HELD AT

BATON ROUGE, LOUISIANA

JUNE 23, 2004

OFFICE OF CONSERVATION

STATE OF LOUISIANA

IN RE: GROUND WATER

RESOURCES COMMISSION MEETING

Report of the public meeting held by the Ground Water Management Commission, State of Louisiana, on June 23, 2004, in Baton Rouge, Louisiana.

COMMISSION MEMBERS IN ATTENDANCE:

Scott Kirkpatrick, Chairman

James H. Welsh, Commissioner of Conservation

Karen Gautreaux, Department of Environmental Quality

Zahir "Bo" Bolourchi, DOTD - Water Resources

Darwin Knochenmus, Capital Area Groundwater Commission

Walter Savage, Police Jury Association of Louisiana

Richard Durrett, Sparta Ground Water Conservation

John Roussel, Assistant Secretary Wildlife & Fisheries

Linda Zaunbrecher, Farm Bureau Member

Len Bahr, Governor's Office of Coastal Activities

Michael Taylor, Department of Economic Development

Jackie Loewer, Chicot Aquifer

Karen Irion, Department of Health and Hospitals

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AGENDA

I. Call to Order - Governor's Office

II. Ground Water Resources Division:

A. Staff Activities

B. Rulemaking

III. Old Business

A. Sparta Critical Ground Water Area Designation
Application

IV. New Business:

A. Legislative Update

V. Commissioner Comments

VI. Task Force Comments

VII. Public Comments

VIII. Schedule for Next Meeting

IX. Adjourn

GROUND WATER MANAGEMENT COMMISSION MEETING

JUNE 23, 2004

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COMMISSIONER KIRKPATRICK:

My name is Scott Kirkpatrick. I took Jim Marchand's place in the Governor's Office and do natural resources and environmental policy work, and by virtue of taking Jim's place I now get to sit up here and Chair this. And certainly, if you have any constructive criticism for me afterwards I won't be offended. But I just want to welcome everybody. I believe we're going to take roll here. Tony, do you take roll?

MR. DUPLÉCHIN:

Actually, we base the roll on when the Commissioners sign in when they come. What we usually do is go around the table and have the Commissioners introduce themselves.

COMMISSIONER KIRKPATRICK:

Okay. Well, we can do that, too, then.

COMMISSIONER BAHR:

I'm Len Bahr, and I am in Governor Blanco's Coastal Activities office. I direct the bicoastal science program.

COMMISSIONER ZAUNBRECHER:

I'm Linda Zaunbrecher. I represent Agriculture and Louisiana Farm Bureau.

COMMISSIONER LOEWER:

Jackie Loewer. I represent the Chicot Aquifer.

COMMISSIONER KNOCHENMUS:

1 Darwin Knochenmus. I represent Capital Area
2 Groundwater Conservation.

3 COMMISSIONER BOLOURCHI:

4 Bo Bolourchi. I represent the Secretary of
5 Louisiana DOTD.

6 COMMISSIONER TAYLOR:

7 Mike Taylor, Louisiana Economic Development.

8 COMMISSIONER WELSH:

9 I'm Jim Welsh, Commissioner of Conservation,
10 Department of Natural Resources.

11 COMMISSIONER ROUSSEL:

12 John Roussel, Assistant Secretary of Department
13 of Wildlife and Fisheries and I'm the Secretary's
14 designee.

15 COMMISSIONER IRION:

16 I'm Karen Irion. I'm Deputy Chief Engineer of
17 OPH, DHH, and administrator of the drinking water
18 program.

19 COMMISSIONER SAVAGE:

20 I'm Walter Savage. I represent the Police Jury
21 Association.

22 COMMISSIONER DURRETT:

23 Richard Durrett representing the Sparta Ground
24 Water Commission.

25 COMMISSIONER KIRKPATRICK:

26 Thank y'all for taking time to come today.
27 Commissioner Welsh tells me my job is pretty much
28 finished now and Tony takes over.

29 MR. DUPLICHIN:

30 Thank you, Scott. I'd like to go over some of

1 the activities that the staff has done since the last
2 time this body met in March. We have just about
3 wrapped up our database development and we are ready
4 to bring what we have over to our IT people and get
5 them to implement it so we can start using it.

6 Since the beginning of this program on July 1,
7 2003, we have received a total of 391 water well
8 information sheets, which is the prior notification
9 that we get for water wells that are going in. And we
10 have started to identify some gaps in the data that we
11 have collected and that we review from DOTD that has
12 been collected, and we are looking at how best to
13 approach that. We haven't called DOTD yet about this,
14 but we are finding wells that exist and are still in
15 use that were put in prior to 1984 when DOTD's
16 registration requirements came in that new wells do
17 have an affect on, and we're having to find out about
18 them through field investigations and by word of
19 mouth. So we will be contacting DOTD to try and get a
20 handle on this. And we have also conducted some
21 limited field investigations along with this, looking
22 for wells and in vicinities where new wells are going
23 in to see what effects might occur.

24 Rulemaking has been completed, shall we say.
25 This month's edition of the Louisiana Register
26 contains the final rule that was published for the
27 application and conduct of hearings regarding critical
28 groundwater area designations and for the data
29 collection with these water well information sheets.
30 We ran out of copies before we were able to pass them

1 out to the Commissioners, but it is available on the
2 Office of the State Register web site, and it's in the
3 June Register on page 1212, 1212 through 1216.

4 Old business. Sparta critical groundwater
5 designation application, I know that's what a lot of
6 people came here today for us to talk about. We are
7 still -- we are in the final processes of getting
8 something out on that. The staff has submitted a
9 report and recommendations to the Commissioner of
10 Conservation, along with a suggested order. The
11 Commissioner is reviewing those materials and we hope
12 to have a draft order ready in accordance with the
13 rules by the end of this month. Once that is ready it
14 will be made available to all interested parties in
15 accordance with the rules, and the Office shall
16 schedule a hearing in the locality of the area of
17 those affected by the draft order.

18 New business. A short legislative update.
19 There's several pieces of legislation in this session
20 that either dealt with groundwater or dealt with this
21 board before us, and I will go over a few of those and
22 what happened to them.

23 House Concurrent Resolution 61 was introduced to
24 memorialize Congress to appropriate funds for water-
25 related projects in Louisiana, and it was approved by
26 both the House and Senate and sent to the Secretary of
27 State's office.

28 House Bill 1679 by Representative Beard was
29 introduced to create the Office of Water Resources in
30 DNR, and that office would have included the current

1 coastal restoration and coastal activities duties in
2 DNR and would have moved all public works functions
3 from DOTD over to DNR. This legislation was withdrawn
4 in committee.

5 House Bill 885 provided for permit requirements
6 for those people utilizing reclaimed water, and both
7 the House and the Senate approved and adopted the
8 conference committee report of amendments, and it was
9 sent on from there.

10 House Bill 950 provided relative to the Claiborne
11 Parish Watershed District. It was passed in both
12 House and Senate and has been sent to Governor Blanco
13 for her signature.

14 House Bill -- I'm sorry, Senate Bill 869 mandated
15 certain qualifications for the appointed members of
16 boards and commissions with statewide jurisdiction,
17 and it was approved by both House and Senate with
18 amendments and sent to the Governor for her signature.

19 And, finally, House Bill 1683 which would have
20 repealed the crime -- repealed the fact that it is a
21 crime to transport water from St. Tammany Parish, and
22 it passed in committee in the House but failed to come
23 up for a final vote on the floor. And that is my
24 report, and I ask the Commission if they have any
25 comments or questions.

26 COMMISSIONER WELSH:

27 Tony, wasn't Representative Beard's bill made
28 into a study bill?

29 MR. DUPLÉCHIN:

30 He said he was going to do that. I do not know

1 if he ever did. In looking at the history on the
2 legislation -- legislative web site it just ended with
3 it being introduced in committee.

4 COMMISSIONER WELSH:

5 I'm not sure either. I know it was considered at
6 one time.

7 COMMISSIONER KIRKPATRICK:

8 Is this 885 you're talking about?

9 MR. DUPLÉCHIN:

10 No, this was 1679.

11 COMMISSIONER GAUTREAUX:

12 Tony, did the bill that referenced boards and
13 commissions memberships, that did pass; right?

14 MR. DUPLÉCHIN:

15 That did pass.

16 COMMISSIONER GAUTREAUX:

17 Would you like to tell the members what it deals
18 with? Have you had an opportunity to read it?

19 MR. DUPLÉCHIN:

20 The original legislation listed pretty much every
21 board and commission in the state, and said that the
22 membership of those boards and commissions should be
23 made up of people that represented the different areas
24 of the state. Let me pull out the legislation so I
25 don't misspeak.

26 COMMISSIONER GAUTREAUX:

27 I was just wondering if there are any
28 implications that the members of this commission might
29 be interested in, that they need to know about. I
30 think it's a fairly representative body. I just

1 wanted to check.

2 MR. DUPLECHIN:

3 After amendments the bill was shortened up from
4 some 70 odd pages to just two, where they dropped the
5 names of all the different boards and commissions and
6 just put it under a blanket and said, "In making
7 appointments to any board, commission, council,
8 authority, or other similar entity that has statewide
9 jurisdiction and is established by law, rule,
10 executive order, or otherwise, the appointing
11 authority shall give due consideration to the
12 demographics of the population of the state, including
13 but not limited to, geography, gender, and race."

14 So I would think that this board is pretty much
15 representative of the entire state of Louisiana. I
16 think the intent in passing the legislation last year
17 that created this board was to get a good cross
18 representation of the state.

19 Any other questions?

20 COMMISSIONER KIRKPATRICK:

21 Okay, if no other Commissioners have any
22 comments, then we'll open it up for any comments from
23 anybody else.

24 MR. DUPLECHIN:

25 The task force would like to make some comments,
26 I believe. Tim Duex with the geology department at
27 University of Louisiana at Lafayette has a short
28 report and proposal to make to the Commission.

29 MR. DUEX:

30 Good afternoon, Mr. Commissioner, Commission

1 members, members of the task force, ladies and
2 gentlemen, my name is Dr. Tim Duex from the geology
3 Department at University of Louisiana at Lafayette.
4 Mr. Don Broussard and I have worked together on
5 various projects in the past. I've been a member of
6 the task force, and done some work on the Chicot
7 Aquifer, and we have put together a couple of
8 documents where we would like to formally propose the
9 establishment of a regional body to study the Chicot
10 Aquifer.

11 Don has some more formal applications and
12 statements that he would like to make, and I'm going
13 to turn it over to him at this point.

14 MR. BROUSSARD:

15 My name is Don Broussard and I'm currently the
16 Water Operations Manager for the Lafayette Utility
17 System. I'm here today to request the Commission
18 consider recognizing the formation of a regional body
19 based on the general location of the Chicot Aquifer as
20 authorized by Act 49 of the 2003 Regular Session of
21 the Legislature. That act authorized the creation of
22 up to five regional stakeholder bodies, and I have a
23 letter to the Chairman, Mr. Kirkpatrick, and a copy
24 for each Commission member, and I think you already
25 have a copy of that document in front of you.

26 I would like to preface my comments with my
27 personal embarrassment that such a group has not
28 already been formed in the Chicot Aquifer. I made an
29 attempt about 15 years ago to create a group, get a
30 group together, but my attempts fell short.

1 The Chicot Aquifer is prolific, but it is not
2 inexhaustible. Recent surface droughts or
3 agricultural droughts, such as in 2000, have stressed
4 water users and their facilities. We have all heard
5 stories about water wells having to be lowered due to
6 dropping water levels in the aquifer. From a public
7 supply standpoint the 2000 drought was not supply
8 limited, but water systems were being used as
9 irrigation systems, and water systems simply are not
10 designed for such continuous high demands.

11 The daily withdrawals from the Chicot Aquifer,
12 according to the USGS's 2000 report on water use in
13 Louisiana, averaged only -- almost 800,000,000 gallons
14 a day, and that's more than twice the second place
15 withdrawals from the Mississippi River Alluvial
16 Aquifer. I did some rough calculations, I don't know
17 how close I am, but using the public supply category
18 and the rural domestic category I figured the
19 population served from the Chicot Aquifer for domestic
20 and public supply uses is just under 600,000
21 population.

22 The Chicot Aquifer contains four of the major
23 parishes where rice is a major crop, and that's
24 Vermilion, Jeff Davis, Acadia, and Calcasieu Parishes.
25 In June of 1998 the Chicot Aquifer was designated as a
26 sole-source aquifer by the US EPA, and designation
27 provided for a review of projects financed by federal
28 funds to assess those projects' impacts on the
29 aquifer. The fact that the Chicot Aquifer is a sole-
30 source aquifer demands that greater attention be given

1 to its protection. The consequence of degradation of
2 this resource is critical to Louisiana's economy and,
3 therefore, its protection and preservation is
4 critical.

5 Some of the issues that I see the stakeholder
6 group discussing and advising the Commission on
7 include: seismic testing issues, such as, what happens
8 with the borehole following completion of a test site;
9 water quality issues, like saltwater intrusion in
10 coastal parishes; land subsidence issues; water
11 conservation issues; long-term decline in water levels
12 with seasonal recoveries; land uses in the recharge
13 areas of the Chicot Aquifer; aquifer leakage between
14 distinct or defined zones in the aquifer; surface
15 contamination issues; water rights issues; and
16 abandoned water wells.

17 The Commission is authorized to form regional
18 bodies based on the general location of major aquifers
19 of the state. Of course, we would be bound by rules
20 and regulations that are promulgated by the
21 Commissioner. And I ask that the Commission consider
22 our request favorably.

23 Part of the documents that you have in front of
24 you include a draft statement of purpose, which
25 defines some of the objectives that we would propose
26 at the local stakeholder group, entertain and discuss,
27 and if you would refer to those documents we'd be
28 happy to answer any questions that the Commission
29 members might have.

30 COMMISSIONER KIRKPATRICK:

1 Does anybody have any questions?

2 COMMISSIONER TAYLOR:

3 Has the task force overall put the five that were
4 authorized to create in a plan and is this part of
5 that plan, or is this a group wanting to do what's
6 right for their area but not as part of the larger
7 plan?

8 MR. DUPLCHIN:

9 Act 49 authorizes the Commissioner to --
10 authorizes the Commission to direct the Commissioner
11 to form these bodies state wide. And the task force
12 as a whole has not met yet, this is a first step in
13 getting this done as a task force recommendation that
14 it be done. But it's not an outside group coming in.
15 This is people that are involved.

16 COMMISSIONER TAYLOR:

17 At this point it's not part of a larger plan for
18 the whole state, it's just --

19 MR. DUPLCHIN:

20 No. And I was speaking with some of the task
21 force members earlier asking if anyone from the task
22 force had met yet on anything, and I said, no, but
23 something would come up today that would generate some
24 interest in getting the task force to start meeting.

25 COMMISSIONER KIRKPATRICK:

26 Tony, you mentioned that Act 49 authorizes the
27 Commissioner, as in the Commissioner of Conservation
28 to form these groups?

29 MR. DUPLCHIN:

30 It authorizes the Ground Water Resources

1 Commission to direct the Commissioner to promulgate
2 rules forming this group.

3 COMMISSIONER KIRKPATRICK:

4 Okay. Karen?

5 COMMISSIONER GAUTREAUX:

6 Well, I'm wondering, since, I mean, it certainly
7 sounds like you're fulfilling some of the original
8 concepts of Act 49, but I guess I would feel a little
9 funny. I mean, it sounds like the concept is very
10 good and in line with what we want to encourage state
11 wide, but it almost seems like, as you acknowledge in
12 your letter, there's still some work to go on this,
13 and it sounds like what you might need to do is
14 receive some encouragement from the Commission to
15 flesh that out, and then go back to the task force,
16 get endorsement of the concept, and you've made us
17 aware of it, and then you would come with a formal
18 request once you have your details in line. I mean,
19 that's typically how I've seen similar activities
20 progress. Is there a problem with doing that?

21 MR. BROUSSARD:

22 What we would envision, Ms. Gautreaux, is to have
23 an organizational meeting sometime within 90 days,
24 which would hopefully occur before the next official
25 Commission meeting, and we would hammer out some of
26 these organizational issues like you mentioned, and at
27 that point we would ask the Commission to take some
28 official action, like in the form of a motion and a
29 vote. We basically at this point we're just asking
30 the Commission to authorize the concept, basically not

1 hold up a stop sign, just to allow us to proceed with
2 the organizational meeting.

3 COMMISSIONER GAUTREAUX:

4 Would it be your intent to work with the task
5 force to kind of flesh out issues with them as well as
6 you move forward and kind of get input so that there
7 is consensus that -- and I think it helps with other
8 groups that may be thinking of organizing within the
9 state to kind of flesh out issues as you're moving
10 forward. So what I would really encourage you to do
11 is go ahead and have your meeting, but also invite
12 task force participation, and hopefully have
13 endorsement by the task force and give them some good
14 ideas for other areas by the time you come back and
15 ask for final approval of forming that. That's what I
16 would encourage you to do.

17 MR. BROUSSARD:

18 I think that's a good idea. Dr. Duex is, of
19 course, a member of the task force and he's with us on
20 the concept at least. We would also envision that the
21 makeup of the stakeholder group would include largely
22 a lot of the groups that are represented on this
23 Commission, as well as the task force itself, so kind
24 of using the Commission and the Advisory Task Force as
25 a model of who to invite.

26 COMMISSIONER GAUTREAUX:

27 Yeah, it sounds like you're following a logical
28 course, so I would just encourage you to keep doing
29 that.

30 COMMISSIONER LOEWER:

1 Mr. Chairman, I'll probably be representing that
2 group on this Commission, but it seems like a couple
3 of things have to happen. First of all, we couldn't
4 stop anybody from organizing if they wanted to. The
5 second thing is is that we can't recognize them until
6 we know how to recognize them and without rules and
7 regulations we have nothing to go by, and I would
8 imagine that we would design rules and regulations
9 that would be consistent with all of the regions and
10 then have the regions be identified or recognized, and
11 then we would pick whoever. There could be competing
12 groups for this recognition, we don't know that yet,
13 and I would think that we would go to rules and
14 regulations before we start with the recognition
15 stage.

16 COMMISSIONER KIRKPATRICK:

17 I think that sounds good. Now, I guess this
18 group would like to know if there are any major -- any
19 objections or issues that they need to consider as
20 they move forward informally to try to formalize this
21 process. Does anybody have any other concerns? Tony?

22 MR. DUPLECHIN:

23 In speaking with counsel a couple of minutes ago,
24 Act 49 says and I will quote, "The Commission may
25 direct the Commissioner to promulgate rules and
26 regulations for the appointment or designation of up
27 to five regional bodies based on the general location
28 of the major aquifer systems and water resources of
29 the State and composed of local stakeholders who are
30 representative of current users. Such bodies may

1 gather data and provide local input to the Commission
2 and the Commissioner."

3 Looking at that, and in line with what Mr. Loewer
4 just said, the best way probably to proceed with this
5 is for the Commission first to direct the Commissioner
6 to promulgate these rules and regulations for the
7 development of these five bodies without any one
8 particular body at this point, and make the level
9 playing surface.

10 COMMISSIONER KIRKPATRICK:

11 Karen?

12 COMMISSIONER GAUTREAUX:

13 I was just thinking back to the debate on the
14 bill when we were developing the plan. It seemed as
15 though we recognized in our discussions at some point
16 that we may have up to five, but there may be areas
17 that never choose to come forward with this, and now
18 we see the first group that's coming forward. So what
19 I would suggest or like to offer is that we start
20 working on rules and regs, but yet, this group
21 continue to have discussions and involve the task
22 force. So hopefully it will be an interactive
23 process, and we will be moving forward on a dual
24 track, and you won't necessarily be waiting, but at
25 the same time we're providing by the time you're ready
26 for authorization some kind of consistent guidance
27 that the Commission is comfortable with by the time
28 you're ready to move forward formally. So you would
29 be setting a consistent playing field for the rest of
30 the state.

1 MR. BROUSSARD:

2 We anticipated that our request would probably
3 have triggered the development of formal policies and
4 procedures, and as we go forward in our organizational
5 discussions we're going to try to anticipate some of
6 the logical rules that the Commission might adopt.
7 And we will, of course, keep the task force involved
8 and informed about our ongoings.

9 COMMISSIONER DURRETT:

10 Are these four parishes the only parishes that
11 the Chicot covers?

12 MR. BROUSSARD:

13 No, sir. I think what I -- I didn't mean to cut
14 you off, Mr. Durrett, but in the statement I made
15 that's just for the principal users of rice
16 irrigation. The Chicot Aquifer consists of
17 approximately all or part of 15 parishes in southwest
18 Louisiana.

19 COMMISSIONER DURRETT:

20 So when you start creating these five, if you
21 don't have some rules and regulations you'll have four
22 in the Chicot Aquifer.

23 COMMISSIONER GAUTREAUX:

24 Right.

25 COMMISSIONER TAYLOR:

26 What I'd like to say, when this does come
27 forward, the rules and everything is developed, I'd
28 like to see the state plan and how you fit into the
29 plan. I admire you guys and applaud you for taking
30 the lead on this, it's very necessary, but we wouldn't

1 want to create something that stands alone without
2 considering how it fits into the whole and that was --
3 when you come back, that's what I'll be looking for.

4 MR. BROUSSARD:

5 That's a good point. We basically relied on the
6 guidance of Act 49 in the development of the documents
7 that have been submitted to you so far, but that's a
8 good idea to refer to the State plan, too.

9 COMMISSIONER KIRKPATRICK:

10 It seems like it may be in order if somebody
11 wants to make a motion for us to instruct the
12 Commissioner to develop those rules and regulations we
13 can get the process started, if somebody --

14 COMMISSIONER ZAUNBRECHER:

15 Linda Zaunbrecher. So moved.

16 COMMISSIONER KIRKPATRICK:

17 Second?

18 COMMISSIONER BAHR:

19 Len Bahr. Second.

20 COMMISSIONER KIRKPATRICK:

21 Can we just do it by voice vote? All in favor,
22 say yea.

23 I'm sorry, a question.

24 COMMISSIONER ROUSSEL:

25 Can I ask a question on the motion we just
26 passed? I didn't vote yet.

27 COMMISSIONER KIRKPATRICK:

28 Sure you can ask a question. I'm sorry.

29 COMMISSIONER ROUSSEL:

30 The motion is to direct the Commissioner. Is

1 that an authorization to actually begin the process of
2 rulemaking, or is that meant to be to develop a draft
3 for the Commission to then review before we start the
4 process? I just want a clarification on what the
5 intent of the motion was. And let me explain why.
6 This Commission is a public body, we're taking a vote
7 on an issue, and if we're authorizing him to go
8 forward, this wasn't even listed as an agenda item.
9 And we have open meetings issues and other things.
10 But if it's simply to develop a draft to then
11 represent to us then we've got no problem.

12 COMMISSIONER ZAUNBRECHER:

13 If it needs to be restated, I so state that it be
14 a draft, absolutely. Do we need to go back and amend
15 the agenda before we do this, possibly?

16 COMMISSIONER KIRKPATRICK:

17 We may need a parliamentarian today.

18 COMMISSIONER ROUSSEL:

19 Only if the motion's intent was to actually
20 authorize to go forward, as opposed to just develop a
21 draft for us to --

22 COMMISSIONER ZAUNBRECHER:

23 It's, as I understood it, to instruct him or ask
24 him if he would move forward in a draft that would
25 give us something to look at at another meeting and
26 then we would decide if we want to go forward. Is
27 that what this discussion was about?

28 COMMISSIONER WELSH:

29 I'm understanding that the Commission is
30 directing the Commissioner of Conservation to begin

1 rulemaking, which is what we will do under the
2 Administrative Procedure Act. There will be a lot of
3 opportunity for interaction during this process. And
4 I would hope we would come up with a set of rules that
5 we're happy with before we -- before we go public, so
6 to speak, in rulemaking with public hearings and a
7 legislative committee oversight and the whole nine
8 yards. But the idea is to come up with a set of rules
9 that the Commission is happy with, too.

10 COMMISSIONER GAUTREAUX:

11 I guess what we just want to clarify is before
12 we're getting on the path of publishing, the
13 Commission would like to see a draft before it gets
14 into the public process to make sure we understand
15 that we're going down the path that we thought we were
16 going down.

17 COMMISSIONER WELSH:

18 I think that's important. I agree with that.

19 MR. DUPLÉCHIN:

20 And that also is part of the Commission's charge
21 under 38:3097.4(d)(2), which is to review rules and
22 regulations proposed by the Commissioner pursuant to
23 the appropriate administration and enforcement of this
24 chapter.

25 COMMISSIONER KIRKPATRICK:

26 All right. So at this point I guess we will
27 restate the vote that we're considering. Ms.
28 Zaunbrecher said it is to instruct the Commissioner to
29 put together a draft for the purpose of rulemaking on
30 this issue. I guess all those in favor say aye.

1 (Aye.)

2 All those opposed?

3 (No response.)

4 The motion passes.

5 MR. BROUSSARD:

6 We thank the Chair and the Commission for their
7 time and attention. Look forward to working with you
8 on this important issue. Thank you very much.

9 COMMISSIONER KIRKPATRICK:

10 Thank you. Does the task force have any more
11 comments? Tony, do you know?

12 MR. DUPLECHIN:

13 Not that I know of, but you can ask them.

14 COMMISSIONER KIRKPATRICK:

15 Any task force members have any more comments? I
16 believe we move to public comments, and if you can
17 please identify yourself. Is there anybody from the
18 public who has any comments?

19 (No response.)

20 Then I guess we will move to schedule for the
21 next meeting, if nobody has any other business. Tony,
22 do you have any recommendations?

23 MR. DUPLECHIN:

24 The law requires the Commission to meet at least
25 once per calendar quarter. That would mean sometime
26 during June, July, or August, and I have no
27 recommendations. I'm sorry, July, August, or
28 September. I have no recommendations at this point.
29 I know that Fridays are not good, and mornings are not
30 good, Tuesdays are not good because we have oil and

1 gas hearings. Thursdays are not good because we have
2 other hearings. So probably Wednesday afternoon
3 sometime during those three months.

4 COMMISSIONER KIRKPATRICK:

5 Do you want to give us a proposed date?

6 MR. DUPLCHIN:

7 I will look at dates and e-mail the
8 Commissioners.

9 COMMISSIONER KIRKPATRICK:

10 Is that okay with everybody if Tony e-mails out
11 potential dates?

12 COMMISSIONER ZAUNBRECHER:

13 Are you looking in September, Tony, or before
14 that?

15 MR. DUPLCHIN:

16 Probably September would be the best.

17 COMMISSIONER TAYLOR:

18 When do we think the Sparta folks will have
19 something to talk about?

20 COMMISSIONER DURRETT:

21 When are they going to make a decision, then we
22 will have something --

23 MR. DUPLCHIN:

24 The ball on the Sparta is in our court.

25 COMMISSIONER DURRETT:

26 Can I ask --

27 MR. DUPLCHIN:

28 Once a decision is made, then a hearing will be
29 scheduled.

30 COMMISSIONER DURRETT:

1 A hearing? Where will that hearing be?

2 MR. DUPLÉCHIN:

3 That hearing will be held in the locality of the
4 area of those affected by the draft order.

5 COMMISSIONER TAYLOR:

6 What I'm getting at is, can we schedule our next
7 meeting for when there is some meat there to talk
8 about?

9 MR. DUPLÉCHIN:

10 We can do that, but hopefully we will have
11 something to talk about by the end of this month. I
12 don't know if this board wants to get back together in
13 July, that soon. Of course, it's a minimum of once a
14 quarter. And we will be having a hearing up in north
15 Louisiana based on the order.

16 COMMISSIONER IRION:

17 What about the middle of August? I mean, instead
18 of waiting until September, which is really a heavy
19 meeting month already.

20 MR. DUPLÉCHIN:

21 That would be fine. Should we shoot for the 18th
22 of August? The third Wednesday, 1:30?

23 COMMISSIONER KIRKPATRICK:

24 Just so I appreciate that, will the intent of
25 that meeting be to discuss the -- or it's anticipated
26 that we will discuss the Sparta issue at that time?
27 Or you said that there's another hearing that will be
28 held up in that area.

29 MR. DUPLÉCHIN:

30 A hearing will be held up in the area of the

1 Sparta. That is included in the order.

2 COMMISSIONER LOEWER:

3 Has that date been set for the hearing?

4 MR. DUPLUCHIN:

5 That date has not been set.

6 COMMISSIONER DURRETT:

7 Can I ask a question?

8 COMMISSIONER KIRKPATRICK:

9 Yes.

10 COMMISSIONER DURRETT:

11 Us not meeting doesn't slow down the process,
12 does it?

13 MR. DUPLUCHIN:

14 No, sir.

15 COMMISSIONER DURRETT:

16 So if I can ask another question. At the last
17 meeting we were assured that it would be by the end of
18 this month. Now you are saying hopefully by the end
19 of this month.

20 MR. DUPLUCHIN:

21 I would, with all due respect, have to check the
22 transcript to see.

23 COMMISSIONER WELSH:

24 Let me comment on that. The staff was ready to
25 go today. I was looking at the order this morning,
26 the draft order, and I wasn't quite happy with all the
27 i's and t's. It's basically done, and I can almost
28 assure you that it will be ready by the end of this
29 month. I've been -- my time has been taken up pretty
30 much by the Legislature for the last several months

1 and I really haven't -- I want to be comfortable with
2 it since I'm the one that has to sign it. So it's my,
3 fault if you want to look at somebody --

4 COMMISSIONER DURRETT:

5 I'm not looking for blame, I'm just trying to get
6 a confirmation. I'm not complaining. I just said,
7 and you can check the transcript, I think we made it
8 very plain last time it would be by the end of the
9 quarter. So I hope that by the end of the month.

10 COMMISSIONER WELSH:

11 I think at the last meeting we had said by the
12 end of this month, and I'm sure we can meet that
13 commitment, yeah.

14 COMMISSIONER DURRETT:

15 When you do make that decision, will we be
16 notified, or will the media be notified first?

17 COMMISSIONER WELSH:

18 Being this is the first time that this has
19 happened, it's a draft order, I guess it's issued
20 unsigned; correct?

21 MR. DUPLCHIN:

22 It's issued unsigned.

23 COMMISSIONER WELSH:

24 Because it's not -- we have to go through a
25 public hearing process where it's finalized.

26 COMMISSIONER DURRETT:

27 I understand. We haven't seen it. I mean, can
28 we -- when it is released can we be given a copy of
29 it?

30 MR. DUPLCHIN:

1 The order will be made available to all
2 interested parties in accordance with 505(B) of the
3 regulations that were published this month.

4 COMMISSIONER IRION:

5 Does that have to be published in the Louisiana
6 Register before the hearing?

7 MR. DUPLCHIN:

8 The order?

9 COMMISSIONER IRION:

10 Yes.

11 MR. DUPLCHIN:

12 No.

13 COMMISSIONER WELSH:

14 We can send a -- we'll be sure the Commission
15 gets a copy.

16 COMMISSIONER DURRETT:

17 That's what I was saying, I have a Commission.
18 There's a Sparta Ground Water Commission that I would
19 like to be able to tell them or show them or send it
20 to them or whatever when you do issue it.

21 MR. DUPLCHIN:

22 Above -- more than anyone else the Sparta
23 Commission will receive a copy of this order.

24 COMMISSIONER WELSH:

25 Maybe we can make sure, Tony, maybe we can make
26 sure that the Sparta Commission has a copy when it's
27 officially, you know, released.

28 MR. DUPLCHIN:

29 As the applicant we are required to notify them
30 first.

1 COMMISSIONER DURRETT:

2 All I'm asking is, I don't want to pick up the
3 Baton Rouge Advocate and read about it.

4 COMMISSIONER WELSH:

5 I understand, and I appreciate that, and I don't
6 think we have a problem with that.

7 COMMISSIONER ZAUNBRECHER:

8 I think the rest of us as Commissioners would
9 like to know what the decision is before we read about
10 it in the newspaper.

11 COMMISSIONER WELSH:

12 I understand, everybody wants to know. We can
13 handle that. We will handle that.

14 MR. DUPLECHIN:

15 We will be sending copies to the Ground Water
16 Resources Commission, the Sparta Ground Water
17 Conservation District, as well as all of the names
18 that we have on record from either attending the
19 hearing in Ruston on November 19, 2002, or who sent in
20 written comments, or simply requested a copy of the
21 order once it was issued.

22 COMMISSIONER KIRKPATRICK:

23 Any other questions or comments? I believe we
24 tentatively said that August 18th would be our next
25 scheduled meeting, and we will expect to hear from
26 Tony on follow-up with that.

27 MR. DUPLECHIN:

28 We will keep in touch on that date, but pencil
29 that one in for now.

30 COMMISSIONER KIRKPATRICK:

1 I don't think we have a time.

2 MR. DUPLÉCHIN:

3 1:30, same time as this one was. We've found
4 that that works out pretty well.

5 COMMISSIONER KIRKPATRICK:

6 If there is no other business, does somebody want
7 to make a motion to adjourn?

8 COMMISSIONER GAUTREAUX:

9 So moved.

10 COMMISSIONER KIRKPATRICK:

11 Karen. Second?

12 COMMISSIONER BOLOURCHI:

13 Second.

14 COMMISSIONER KIRKPATRICK:

15 Seconded. All those in favor say aye.

16 (Aye.)

17 Those opposed?

18 (No response.)

19 Thank you.

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CERTIFICATE

I, SUZETTE M. MAGEE, Certified Court Reporter, do hereby certify that the foregoing meeting was held on June 23, 2004, in the LaBelle Room, The LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana; that I did report the proceedings thereof; that the foregoing pages, numbered 1 through 31, inclusive, constitute a true and correct transcript of the proceedings thereof.

SUZETTE M. MAGEE, CCR #93079

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